

**IN RE: IMPLEMENTATION OF** :  
**SENTENCING PROCEDURES UNDER** :  
**THE SENTENCING REFORM ACT OF 1984** :

3. ORDERED AND ADJUDGED that the PSR, including guideline computations, shall be completed and disclosed to the parties at least thirty-five (35) days prior to the scheduled sentencing hearing, unless the period is waived by the defendant. It shall be the responsibility of counsel for the defendant and for the Government to contact the United States Probation Office to obtain a copy of the PSR thirty-five (35) days prior to sentencing. It shall be defense counsel's responsibility to discuss the contents of the PSR with the defendant. The PSR shall be disclosed only to the defendant, defense counsel, and the attorney for the Government. It is further

4. ORDERED AND ADJUDGED that counsel for the parties may retain the PSR in their custody, and counsel for the defendant shall provide a copy to the defendant. However, the PSR is a confidential document, and neither the parties nor their counsel are authorized to duplicate the document or disseminate it or its contents to third parties without prior permission of the Court. It is further

5. ORDERED AND ADJUDGED that, if a party reasonably disputes sentencing factors or facts material to sentencing, or seeks the inclusion of factors or facts material to sentencing in the PSR, it is the obligation of the complaining party to seek administrative resolution of such factors or facts through contact with opposing counsel and the United States Probation Office prior to filing the pleadings referenced in paragraph 6. Disputed factors or facts material to sentencing should be resolved, if possible and practicable, through informal procedures, including telephone conferences. A more formal presentence conference, to be attended by both parties and to be coordinated by the United States Probation Office, is mandatory if disputed factors or facts cannot be resolved informally and, in the opinion of the United States Probation Office, such a conference is necessary and might be

productive in resolving disputed factors or facts. It is further

6. ORDERED AND ADJUDGED that no later than fourteen (14) days prior to sentencing, counsel for the defendant and the Government shall each file a written pleading entitled, “Position of the (United States)(Defendant) with Respect to Sentencing Factors.” This pleading shall be filed with the Clerk of the Court with a copy provided to the United States Probation Office and opposing counsel. This pleading should state either that the party adopts the PSR, or should detail the party’s position as to any disputed factors or facts, including application of the guidelines or any alleged inaccuracies in the PSR. When there are disputed factors or facts, the pleading should also state what evidence, including written submissions or witnesses, the aggrieved party wishes to present at the sentencing hearing. This pleading must also include a written statement certifying that the party has conferred with opposing counsel and the United States Probation Office in a good faith effort to resolve any disputed matters. It is further

7. ORDERED AND ADJUDGED that counsel for the parties shall confer no later than seven (7) days prior to the scheduled sentencing proceeding with respect to the anticipated length of the sentencing and the number of witnesses to be called. If either party reasonably anticipates that the sentencing proceeding will exceed thirty (30) minutes, that party shall file a notice with the Clerk of the Court and shall hand deliver a courtesy copy to the United States Probation Office no later than five (5) days prior to the sentencing proceeding. The notice shall advise the Court of the number of witnesses to be called and the estimated time required for the sentencing proceeding. It is further

8. ORDERED AND ADJUDGED that no later than seven (7) days prior to the scheduled sentencing hearing, the United States Probation Office shall transmit to the sentencing judge

the PSR, including guideline computations, an addendum indicating any unresolved factual disputes or objections by the parties with respect to the application of the guidelines or alleged inaccuracies in the PSR, and a copy of the pleadings filed by the parties entitled, “Position of the (United States)(Defendant) with Respect to Sentencing Factors.” The United States Probation Office shall also furnish any revisions of the PSR and the addendum to the attorney for the Government and to the defendant’s counsel for disclosure to the defendant. It is further

9. ORDERED AND ADJUDGED that only those factors or facts important to the sentencing determination, or pertaining to any alleged inaccuracies in the PSR as set out in the pleading entitled, “Position of the (United States) (Defendant) with Respect to Sentencing Factors,” referenced in paragraph 6, will be issues at the sentencing hearing. Except with regard to any objections made under paragraph 6 that have not been resolved, the report of the PSR shall be accepted as accurate. The Court, however, for good cause shown, may allow a new objection to be raised at any time before the imposition of sentence. It is further

10. ORDERED AND ADJUDGED that any motion for downward departure pursuant to U.S.S.G. § 5K1.1 shall be filed with the Clerk of Court no later than 24 hours before the sentencing hearing. The motion should state the amount of recommended departure from the guideline range. A copy of the motion shall be hand delivered or e-mailed to the Probation Office. It is further

11. ORDERED AND ADJUDGED that failure to comply with any of these procedures may result in the imposition of sanctions. It is further

12. ORDERED AND ADJUDGED that the United States Probation Office shall promulgate policies and procedures with respect to the implementation of this Administrative Order.

Further

13. This Court shall monitor the adequacy of existing sentencing procedures promulgated under this Order and make such modifications as the Court deems appropriate. Further

14. This Order amends and supersedes all prior standing orders of this Court regarding the establishment of procedures governing sentencing pursuant to the Sentencing Reform Act of 1984.

DONE this the 23<sup>rd</sup> day of December, 2003.

/s/ Callie V. S. Granade  
CALLIE. V. S. GRANADE  
CHIEF UNITED STATES DISTRICT JUDGE

/s/ Charles R. Butler, Jr.  
CHARLES R. BUTLER, JR.  
UNITED STATES DISTRICT JUDGE

/s/ William H. Steele  
WILLIAM H. STEELE  
UNITED STATES DISTRICT JUDGE